REMARKS

Claims 1-17 are pending. By this Amendment, Claim 1 is amended.

Rejection – 35 U.S.C. § 112, Second Paragraph

In the Office Action, the Examiner rejects Claims 1-2 under 35 U.S.C. § 112, second paragraph. Applicant notes that the location of where the request is received is not essential to the claimed method – accordingly, omitting the location does not render Claim 1 indefinite. Nevertheless, to speed prosecution Claim 1 has been amended to indicate that the computing node receives the request. Applicant respectfully traverses the Examiner's assertion that Claim 1 is indefinite because Claim 1 does not describe *how* the customer ID information is associated with the spawned program element. Claim 1 recites associating the customer ID information with the spawned program, and the scope and meaning of this feature would have been clear to a person of ordinary skill in the art at the time of the invention, particularly in view of the further recitation of allocating computing resources of the computing node to the spawned program element in accordance with the customer ID information associated with the request. Accordingly, Claim 1 and claims depending from Claim 1 are definite. Furthermore, those of ordinary skill in the art at the time of the invention would have realized after reading the present application that there are different ways that are consistent and compatible with exemplary embodiments of the present invention, in which the customer ID information can be associated with the spawned program element. Accordingly, the person of ordinary skill in the art at the time of the invention would have found Claim 1 to be clear and definite. For at least these reasons, Applicant respectfully submits that Claims 1-2 satisfy all requirements of 35 U.S.C. § 112, second paragraph. Withdrawal of the

rejection of Claims 1-2 under 35 U.S.C. § 112, second paragraph is respectfully requested.

Rejection – 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejects Claims 1-6 and 11-16 under 35 U.S.C. § 102(e) over U.S. Patent No. 6,718,330 to Zener (Zener). This rejection is respectfully traversed.

Zener discloses, as shown in Figure 2, customers such as the customer 210 that communicate with a web server 206 via the Internet 208. The web server 206 passes service requests from the customer(s) 210 through a firewall 204 to a "Predictive Internet Automatic Work Distributor" (Pre-IAWD) 220, which assigns each service request to one of the agent work stations 222. Zener discloses that human agents man the work stations 222. See, for example, Zener at column 1, lines 35-36 and column 2, line 63. Zener also discloses that the Pre-IAWD can connect to robotic Internet service agents, see for example column 2, lines 63-64; column 5, lines 61-63; and Claim 13. The "robotic" resources include CPU and memory (see e.g. column 5, lines 62-63), and can be on different distributed servers (see e.g. column 5, lines 63-64). When assigning a request, the Pre-IAWD predicts which agent will complete the request first, and then assigns the request to that agent. Factors considered by the Pre-IAWD include a priority of the request (which can be determined by identifying the customer as a "priority user", see for example column 6, lines 33-34) as well as performance of the agents (see, e.g., column 6, lines 28-30 and 40-64). Zener also discloses re-assigning requests among agents based for example on agent work loads and on "aging" of unworked requests. See, e.g., column 8, lines 35-59.

Zener fails to disclose or suggest *a computing node receiving a request from a Web client process wherein said request includes customer ID information, spawning a program element operable on the computing node to process said request, associating said customer ID information with the spawned program, and allocating computing resources of said computing node to the spawned program element in accordance with said customer ID information associated with said request*, as recited in Claim 1, and similar features recited in Claim 8, because Zener's web server 206 is **separate** from the Pre-IAWD and the agent workstations 222, and therefore fails to disclose or suggest a computing node that performs all of the functions recited in Claim 1.

In addition, Applicant notes that the term "spawn" has a particular meaning in the computer science context; namely, to create a child process in a multitasking or multithreading operating system, where a child process is a process created by another process, *i.e.*, the parent process, where each process may create many child processes but will have only one parent process, except for the very first process which has no parent. Zenner apparently fails to disclose or suggest a multitasking or multithreading operating system. Zenner likewise fails to disclose or suggest *spawning a program element operable on a computing node to process said request [from a Web client process]*, as recited in Claim 1 of the present application.

Applicant further notes that many of the portions of Zenner cited by the Examiner do not appear to disclose what the Examiner says they do. For example, in numbered section 9 on page 3 of the Office Action, the Examiner asserts that Zenner at column 5, lines 35-38 discloses encoding customer ID information in a process name of each spawned program. The Examiner asserts that the "program code"

recited on line 36 is customer ID information. However, Zenner at column 5, lines 35-38 does not define or suggest what the "program code" is, and therefore fails to disclose or suggest *encoding customer ID information in a process name of a spawned program*, as recited in Claims 4 and 14 of the present application.

For at least the above reasons, Applicant respectfully submits that Zenner fails to disclose or suggest all features recited in Claims 1-6 and 11-16. Withdrawal of the rejection of Claims 1-6 and 11-16 under 35 U.S.C. § 102(e) over Zenner is respectfully requested.

Rejection – 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejects 7-10 and 17 under 35 U.S.C. § 103(a) over Zenner in combination with U.S. Patent No. 6,865,601 to Cherkasova, *et al.* (Cherkasova). This rejection is respectfully traversed.

Cherkasova discloses load balancing among server nodes in a server cluster. More specifically, Cherkasova discloses organizing web sites into groups and then assigning each group of web sites to one of the server nodes in the server cluster.

Accordingly, Cherkasova fails to overcome the deficiencies of Zenner described above with respect to Claims 1-6 and 11-16. For example, Cherkasova fails to disclose or suggest details regarding operations within a server node, and particularly fails to disclose or suggest *a computing node receiving a request from a Web client process wherein said request includes customer ID information, spawning a program element operable on the computing node to process said request, associating said customer ID information with the spawned program, and allocating computing resources of said computing node to the spawned program element in*

accordance with said customer ID information associated with said request, as recited in Claim 1, and similar features recited in Claim 8.

In addition, Zenner and Cherkasova, considered both separately and in combination, fail to disclose or suggest that the computing resources allocated in accordance with customer ID information, include secondary storage bandwidth utilization as recited in Claim 7, and similar features recited in Claim 17.

Conclusion

Applicant respectfully submits that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, please contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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